



Colonel W. S. (Steve) Flaherty  
Superintendent

# COMMONWEALTH OF VIRGINIA

## DEPARTMENT OF STATE POLICE

P. O. Box 27472, Richmond, VA 23261-7472

[www.vsp.virginia.gov](http://www.vsp.virginia.gov)

(804) 674-2000

Lt. Col. Robert B. Northern  
Deputy Superintendent

December 26, 2007

Mr. Matt Gross  
Virginia Department of Social Services  
Office of the Commissioner  
7 North 8th Street, 5th Floor  
Richmond, VA 23219

Dear Mr. Gross:

On December 13, 2007, I made a presentation to the Virginia Commission on Immigration on the activities of the Virginia State Police in this area. At the conclusion of the presentation Senator John Watkins, Chairman of the Commission, asked that I provide additional information on four questions raised by Commission members during my remarks that required additional research.

I have gathered the available information and am providing this to you, as requested by Senator Watkins.

### **1. Of the 37,000 who are foreign-born, what percent of the total is that?**

During my presentation I discussed the requirement in Section 19.2-294.2 of the Code of Virginia that requires the State Police to submit Central Criminal Records Exchange (CCRE) information to ICE for all foreign-born individuals convicted of crimes in Virginia. It is important to note that these records do not address legal status and only indicate the person was not born in the United States.

From January 1, 2007, through the date of my presentation the State Police had submitted 37,307 records to ICE of individuals convicted of crimes in Virginia that were born outside the United States. During the same period, a total of 234,461 records were received in CCRE from all criminal justice agencies in Virginia. The number reported to ICE represents approximately 16 percent of the total records received.

**2. You were sharing information with regard to a consensual violation, do you educate undocumented people on their rights to remain silent?**

Sergeant George Crespo conducts a variety of safety and crime prevention presentations to members of the Latino community. This issue has never been the focus of a presentation, but he has addressed a variety of other issues relating to the criminal justice system that are important to this community. In addition, Sergeant Crespo may soon be conducting a monthly segment on a local radio station regarding specific crime prevention and personal safety issues and this topic could be addressed.

**3. How many arrests actually occur with individuals illegally in this country?**

The State Police did not record information on arrests of individuals illegally in the United States before March 1, 2007. Since that time we have charged 329 individuals in the United States illegally with violations of state or federal law. Data is currently not collected in Virginia for all law enforcement agencies that address this question.

ICE reports that in 2005 they detained 12,551 individuals and conducted deportation hearings. In addition, they report 6,292 NCIC hits on federal warrants entered by their special agents for violations of federal law. The total number of individuals arrested across the United States that are in the country illegally each year is unknown.

**4. You talked about 37,000 records sent to ICE, and what they do is validate and look for people who don't have legal presence. Can you find out the combined totals of VSP and local law enforcement referrals to ICE?**

This total of 37,307 represents the combined CCRE conviction data for all criminal justice agencies in Virginia. This information is collected by the Supreme Court of Virginia from the respective general district and circuit courts and is submitted to the State Police in a single data file. The information is not sorted by arresting agency and is in a format based on the manner reported from the respective courts.

This data file is transmitted to ICE every other month and they examine the data and perform their own validation checks based on the information available in these records.

The individuals are never asked if they are in the United States legally, and the checks are conducted based on their stated place of birth and country of citizenship.

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Thank you for the opportunity to provide this additional information and should the Commission have further questions please contact me at your convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "W. D. Hilly", with a long horizontal flourish extending to the right.

Superintendent

WSF/JWW/lsc